

Docket No. 2318-247

## Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, on the invention entitled CHROMOSOME 17p-LINKED PROSTATE CANCER SUSCEPTIBILITY GENE, the specification of which

☐ is attached hereto.

☒ was filed on 5 November 1999

Application Serial No. 09/434,382

and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

☐ ☐  
Yes No

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year)

Prior Foreign Application(s)

Priority Claimed

☐ ☐  
Yes No

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

60/107,468

(Application Serial No.)

6 November 1998

(Filing Date)

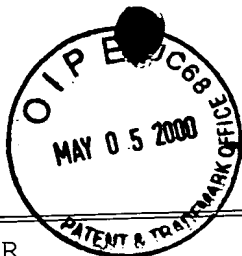
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>

I or we hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & KURZ, p.c., Suite 701-E, 555 13th Street, N.W., Washington, D.C. 20004

G. Franklin Rothwell, Reg. No. 18,125  
E. Anthony Figg, Reg. No. 27,195  
Barbara G. Ernst, Reg. No. 30,377  
George R. Repper, Reg. No. 31,414  
Bart G. Newland, Reg. No. 31,282  
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Stephen A. Saxe, Reg. No. 38,609  
Glenn E. Karta, Reg. No. 30,649  
Martha Cassidy, Reg. No. 44,066

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



FIRST NAMED INVENTOR Sean V. TAVTIGIAN	SIGNATURE	DATE
RESIDENCE 557 East 1st Avenue, Salt Lake City, Utah 84108		CITIZENSHIP U.S.A
POST OFFICE ADDRESS SAME		
SECOND NAMED INVENTOR David H.-F. TENG	SIGNATURE	DATE
RESIDENCE 1147 Blaine Avenue, Salt Lake City, Utah 84105		CITIZENSHIP U.S.A.
POST OFFICE ADDRESS SAME		
THIRD NAMED INVENTOR Jacques SIMARD	SIGNATURE	DATE
RESIDENCE 4808 Du Pilet, St. Augustin de DesMaures, Quebec, CANADA G3A1Z9		CITIZENSHIP CANADA
POST OFFICE ADDRESS SAME		
FOURTH NAMED INVENTOR Johanna M. ROMMENS	SIGNATURE <i>Johanna Rommens</i>	DATE 7/3/00
RESIDENCE 1501-717 Bay Street, Toronto, Ontario, CANADA M5G 2J9		CITIZENSHIP CANADA
POST OFFICE ADDRESS SAME		



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Application Serial No. 09/434,382

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Prior Foreign Application(s)

(Number)	(Country)	(Day/Month/Year)	Priority Claimed	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

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60/107,468

(Application Serial No.)

6 November 1998

(Filing Date)

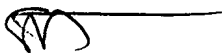
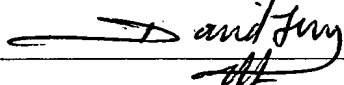
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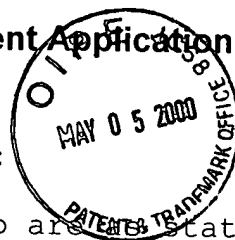
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FIRST NAMED INVENTOR Sean V. TAVTIGIAN	SIGNATURE 	DATE 3/8/00
RESIDENCE 557 East 1st Avenue, Salt Lake City, Utah 84108		CITIZENSHIP U.S.A
POST OFFICE ADDRESS SAME		
SECOND NAMED INVENTOR David H.-F. TENG	SIGNATURE 	DATE 3/8/00
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6 November 1998

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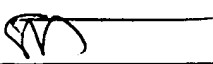
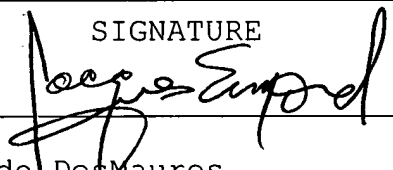
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THIRD NAMED INVENTOR Jacques SIMARD	SIGNATURE 	DATE 04/13/00
RESIDENCE 4808 Du Pilet, St. Augustin de DesMaures, Quebec, CANADA G3A1Z9		CITIZENSHIP CANADA
POST OFFICE ADDRESS SAME		
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RESIDENCE 1501-717 Bay Street, Toronto, Ontario, CANADA M5G 2J9		CITIZENSHIP CANADA
POST OFFICE ADDRESS SAME		

Applicant or Patentee: Sean V. TAVTIGIAN et al.  
Serial or Patent No.: 09/434,382 Attorney's Docket No. 2318-247  
Filed or Issued: 19 November 1999  
For: Chromosome 17p-Linked Prostate Cancer Susceptibility Gene



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION THE HOSPITAL FOR SICK CHILDREN

ADDRESS OF ORGANIZATION 555 University Avenue, Toronto, Ontario, Canada M5G 1X8

TYPE OF ORGANIZATION

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 USC 501(a) and 501(c)(3)  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)  
☒ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled CHROMOSOME 17p-LINKED PROSTATE CANCER SUSCEPTIBILITY GENE, by inventors Sean V. TAVTIGIAN et al.; described in

- ☐ the specification filed herewith  
☒ application serial no. 09/434,382, filed 5 November 1999  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME MYRIAD GENETICS, INC.  
ADDRESS 320 Wakara Way, Salt Lake City, Utah 84108  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

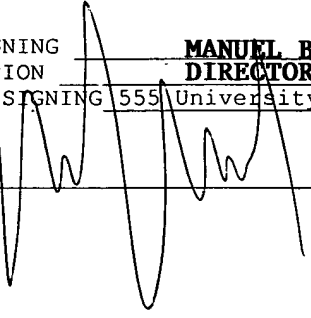
FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at

the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING MANUEL BUCHWALD  
TITLE IN ORGANIZATION DIRECTOR, RESEARCH INSTITUTE  
ADDRESS OF PERSON SIGNING 555 University Avenue, Toronto, Ontario, Canada M5G 1X8

Signature  Date 10 March 00

Applicant or Patentee: Sean V. TAVTIGIAN et al.  
Serial or Patent No.: 09/434,382 Attorney's Docket No. 2318-247  
Filed or Issued: 5 November 1999  
For: Chromosome 17p-Linked Prostate Cancer Susceptibility Gene



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf  
of the concern identified below:

NAME OF CONCERN MYRIAD GENETICS, INC.  
ADDRESS OF CONCERN 320 Wakara Way, Salt Lake City, Utah 84108

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled CHROMOSOME 17pINKED PROSTATE CANCER SUSCEPTIBILITY GENE by inventors Sean V. TAVTIGIAN et al., described in

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME THE HOSPITAL FOR SICK CHILDRENADDRESS 555 University Avenue, Toronto, Ontario, Canada M5G 1X8☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

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NAME OF PERSON SIGNING Peter D. MeldrumTITLE OF PERSON OTHER THAN OWNER President and CEOADDRESS OF PERSON SIGNING 320 Wakara Way, Salt Lake City, Utah 84108

SIGNATURE



Date

5/4/00